

REMARKS

I. STATUS OF CLAIMS

Claims 21-41 are pending. No claim has been amended herein.

II. OBJECTION TO SPECIFICATION

The Examiner has objected to the Abstract for the reasons identified at page 2 of the Office Action. Applicants have amended the Abstract and submit that this amendment renders the objection moot.

III. REJECTIONS UNDER 35 U.S.C. §§ 102(e) AND 103(a)

The Examiner has rejected claims 21-26, 32-37, 40, and 41 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,354,087 to *Nakahara et al.* ("*Nakahara et al.*"); rejected claims 27-31 under 35 U.S.C. § 103(a) as being unpatentable over *Nakahara et al.* in view of U.S. Patent No. 3,882,687 to *Asztalos* ("*Asztalos*"); and rejected claims 38-39 under 35 U.S.C. § 103(a) as being unpatentable over *Nakahara et al.*

Applicants respectfully traverse this rejection because *Nakahara et al.* is not prior art to Applicants' claims. As recognized by the Examiner in the April 23, 2003 rejection, Applicants' have claimed benefit under Section 119(e) to U.S. provisional patent application 60/145,838, and, thus have an effective filing date of July 27, 1999. This priority claim was perfected during prosecution of the provisional application by filing an English translation. This English translation is essentially identical to the present application, as filed. Since *Nakahara et al.* has a Section 102(e) date of January 21, 2000, M.P.E.P. 706.02(b) establishes that Applicants

have overcome these rejections through its earlier claim of priority.¹ Accordingly, Applicants submit these rejections are moot and request their withdrawal.

IV. CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account no. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 24, 2003

By: 
Anthony A. Hartmann
Registration No. 43,662

¹ Applicants further note that the Nakahara et al.'s PCT publication date is December 2, 1999. Therefore, that PCT publication is also not prior art to Applicants' claims.